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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

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APR 15 2005

In re Application of :  
Sam Yang :  
Application No. 09/745,114 :  
Filed: December 20, 2000 :  
Attorney Docket No. 303.714US1 :

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition, filed April 15, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on October 20, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2826 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. \_\_\_\_\_

Date : April 15, 2005  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : withdrawal from Issue of  
  
Applicant(s) : Sam Yang  
Application No. : 09/745,114  
Filed : December 20, 2000

The above-identified application has been assigned Patent No. 6,882,028 and an issue date of April 19, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of April 19, 2005:

"All reference to Patent No. 6,882,028 to Sam Yang of Idaho for LOW LEAKAGE MIM CAPACITOR appearing in the Official Gazette of April 19, 2005 should be deleted since no patent was granted."

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468)  
Deneise Boyd, MDE-3D39 (FAX-273-5124)  
Mary Louise McAskill, ST-8C15 (FAX 305-4372)  
Niomi Farmer, ST-8C14 (FAX-305-4372)  
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038)  
Duane Davis P/OPC MDE-7D89  
Tamara Greene, ST-8C13